

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARRIN ROBERT MC CLOSKEY,

Plaintiff,

v.

NANCY A. BERRYHILL,¹ Acting
Commissioner of Social Security

Defendant.

CIVIL ACTION
NO. 16-02758

ORDER

AND NOW this 20th day of November, 2017, upon consideration of the parties' submissions, and after careful and independent review of the Report and Recommendation of United States Magistrate Judge Richard A. Lloret (ECF No. 13), it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;²
2. Plaintiff's Request for Review (Doc. No. 3) is **GRANTED**, and the matter is **REMANDED** in accordance with the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation;
3. **JUDGMENT IS ENTERED** by separate document, filed contemporaneously. *See Shalala v. Schaefer*, 509 U.S. 292, 303 (1993);

¹ Nancy A. Berryhill became the Acting Commissioner for Social Security on January 23, 2017. Pursuant to Federal Rule of Civil Procedure 25(d), Ms. Berryhill should be substituted for the former Acting Commissioner, Carolyn Colvin, as the defendant in this action.

² When no objection is made to a Report and Recommendation, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee notes; see also *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998). No clear error appears on the face of the record and the Court accordingly accepts Judge Lloret's recommendation.

Kadelski v. Sullivan, 30 F.3d 399, 402 (3d Cir. 1994); Fed. R. Civ. P. 58(a).

4. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.